

Serial Number 10/696,976

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REMARKS

In view of the preceding amendments and the following remarks, Applicants respectfully request the Examiner to reconsider the patent application identified above and withdraw the present rejection. Claims 1-3, 6-15 and 17-19 are pending in the present application, of which Claims 3, 6, 9, 18 and 19 are withdrawn from consideration. Claims 1, 2, 7, 8, 10-15 and 17 currently stand rejected.

35 U.S.C. §103:

The Examiner rejected Claims 1, 2, 7, 8, 10-15 and 17 under 35 U.S.C. §103(a) over Sampson (U.S. 4,929,236) in view of Nordstrom et al. (U.S. 6,033,388). Applicants respectfully submit that the cited references fail to teach or suggest the present invention, as recited in the Claims. For example, Claim 1 includes the following limitations, among others:

a catheter shaft having a proximal end and a distal end; the shaft defining a longitudinal axis;

a hub affixed to the catheter shaft near its proximal end; the hub providing a handle for manipulating the catheter shaft, the hub having a larger size than an outer radial dimension of the catheter shaft;

a tubular gripper surrounding a portion of the catheter shaft, the gripper defining inner and outer surfaces; the gripper outer surface having a plurality of outwardly protruding ridges extending transversely in a ring around the outer surface of the gripper; the gripper inner surface and an outer surface of the hub having a matching indentation and protrusion for a releasable interference fit which tends to releasably hold the gripper in an initial position;

wherein the gripper is movable from the initial position to a desired position, at least a portion of the gripper being flexible so that it can be temporarily squeezed to cause at least a portion of the gripper inner surface to contact a portion of an outer surface of the catheter shaft so that the gripper can transmit frictional forces to the catheter shaft;

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*when the squeezing pressure is released, the gripper tends to resiliently return to its original shape; such that the gripper may be moved to a second desired position on the catheter shaft.*

Among other limitations, the cited references fail to teach or suggest "a hub affixed to the catheter shaft near its proximal end". In the Sampson reference, the "catheter 40" may be removably locked to the "housing 10" by the "snap-lock fitting 42". Indeed, the Sampson reference specifically teaches away from the present invention, because when the "snap-lock fitting 42" is pulled away from the "housing 10", the "catheter 40" may be removed:

*Should the catheter and its snap fitting require removal at a later date, the device as illustrated in FIG. 4 may be used in place of the generally cylindrical barrel 42. To effectuate removal, the surgeon grabs the snap fitting in the recess 43 and pries the fitting 42 apart while holding the port in the other hand thereby effectuating separation.*

(Sampson, column 5, lines 8-14.)

In other words, the gripper of the present invention is movable along a catheter shaft that is affixed to a hub, independent of the position of the gripper. In contrast, the "snap-lock fitting 42" is what removably locks the "catheter 40" to the "housing 10". When the "snap-lock fitting 42" is moved, the "catheter 40" is removable from the "housing 10":

An implantable infusion device having a nipple outlet over which a catheter is fitted. A locking sleeve slidably mounted on the catheter to expand over the nipple and engage the housing. The locking action provides a sensory indication by noise or tactile sensation that locking has been achieved. Both single and double lumen devices employ the locking sleeve.

(Sampson, Abstract.)

Also, the cited references fail to teach or suggest these claimed limitations:

wherein the gripper is movable from the initial position to a desired position, at least a portion of the gripper being flexible so that it can be temporarily squeezed to cause at least a portion of the gripper inner surface to contact a portion of an outer surface of the

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catheter shaft to that the gripper can transmit frictional forces to the catheter shaft;

when the squeezing pressure is released, the gripper tends to resiliently return to its original shape; such that the gripper may be moved to a second desired position on the catheter shaft.

The Examiner states the "Sampson discloses ... at least a portion of the gripper being flexible so that it can be temporarily squeezed to cause at best a portion of the gripper inner surface to contact a portion of an outer surface of the catheter shaft to [sic: should be "so"] that the gripper can transmit frictional forces to the catheter shaft; when the squeezing pressure is released, the gripper tends to resiliently return to its original shape; such that the gripper may be moved to a second desired portion on the catheter shaft." Applicants fail to find all these features in the Sampson reference, especially since the Examiner provided no reference numerals or citation to specific portions of Sampson.

The Examiner previously stated that Claim 11 would be allowable if rewritten in independent form including all limitations of the base independent claim and any intervening claims, and Applicants have so rewritten Claim 11.

Applicants respectfully submit that the cited reference fail to teach or suggest the present invention, for the reason set forth above.

Applicants respectfully request the Examiner to allow the present invention.

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